

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

|                      |   |                        |
|----------------------|---|------------------------|
| STATE OF OHIO,       | : | APPEAL NO. C-100831    |
|                      | : | TRIAL NO. B-1004067    |
| Plaintiff-Appellee,  | : |                        |
|                      | : | <i>JUDGMENT ENTRY.</i> |
| vs.                  | : |                        |
| CYNTHIA TRABISH,     | : |                        |
| Defendant-Appellant. | : |                        |

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 11.1.1.

Defendant-appellant Cynthia Trabish appeals the judgment of the Hamilton County Court of Common Pleas sentencing her to terms of imprisonment for aggravated theft and tampering with records.

Trabish was employed as a bookkeeper for a construction company. At some point during her employment, she began arranging for the company to pay her as much as three times her salary. To cover the overpayments, she manipulated funds among the business's accounts.

Trabish entered no-contest pleas to the aggravated theft and tampering charges, and the trial court sentenced her to consecutive four-year terms of imprisonment.

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In a single assignment of error, Trabish argues that the trial court erred in sentencing her to multiple prison terms. Specifically, she contends that theft and tampering with records were allied offenses of similar import.

Under R.C. 2941.25, a trial court may sentence a defendant for two or more offenses arising from the same criminal conduct or transaction if the offenses (1) were not allied offenses of similar import, (2) were committed separately, or (3) were committed with a separate animus as to each offense . See *State v. Johnson*, 128 Ohio St.3d 153, 2010-Ohio-6314, 942 N.E.2d 1061, ¶51; *State v. Baron*, 1st Dist. No. C-100474, 2011-Ohio-3204, ¶17.

In this case, we find no error in the sentences. The aggravated theft consisted of the improper writing of the paychecks, while the tampering charge arose from Trabish's efforts to conceal the theft. Accordingly, the offenses were committed separately and with a separate animus, thus permitting the multiple terms of incarceration.

We overrule the assignment of error and affirm the judgment of the trial court.

Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**DINKELACKER, P.J., HILDEBRANDT and SUNDERMANN, JJ.**

To the Clerk:

Enter upon the Journal of the Court on September 28, 2011  
per order of the Court \_\_\_\_\_.  
Presiding Judge